

**APPENDIX.****Petitions and Memorials.**

(Telegram.)

Washington D. C., Sept. 16, 1935.  
Lieutenant Governor Walter F.  
Woodul, Austin, Texas.

Hopkins advises his approval of Brazos project. Matter next goes before President then Comptroller General and in event of favorable action by these officials to Mr. Drought for decision as to how much or all the project can be carried out by him, in meantime earliest possible action by Legislature along lines suggested by me in wire to Senator Stone and Mr. Mims on last Saturday necessary to place project in readiness for action so far as State Legislature is concerned.

**MORRIS SHEPPARD.**

Resolution No. 11.

Be it unanimously resolved that we favor legislation for the summary collection of delinquent taxes without the cumbersome, dilatory and costly procedure as now followed through foreclosure suits in the district courts; Provided, however, that none of the safe-guards as to notices, rights to redeem, etc., as existing under present laws shall in any respect whatsoever be either abrogated or lessened.

The State of Texas  
County of Cameron

I, Oscar C. Dancy, County Judge of Cameron County, and Secretary of the South Texas County Judges & Commissioners' Association, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 11, as unanimously adopted by the South Texas County Judges and Commissioners' Association at its last semi-annual meeting, held at the Plaza Hotel, in San Antonio, Texas, on July 18th and 19th, A. D. 1935.

Witness my hand at Brownsville, Texas, this 13th day of September, A. D. 1935.

OSCAR C. DANCY,  
Secretary, South Texas County  
Judges and Commissioners' Association.

**Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, Sept. 16, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 2 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

**THIRD DAY.**

Senate Chamber,  
Austin, Texas,  
September 18, 1935.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum. Moore.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Executive Session Ordered.**

Senator Oneal asked unanimous consent that the Senate go into executive session at 10:10 o'clock a. m. for the purpose of considering the Governor's nominations.

Unanimous consent was granted.

**Executive Session.**

At 10:10 o'clock a. m. the Chair announced that the hour set for executive session had arrived. The chamber was cleared and the doors locked.

**After Executive Session.**

At the conclusion of executive session the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,

Austin, Texas, Sept. 17, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments, have had the same under consideration and I, as Chairman of said committee, am instructed to report same back to the Senate with the recommendation that they be in all things confirmed:

To be State Banking Commissioner:  
Irvin McCreary, of Coryell County.

To be Members of State Board of Hairdressers and Cosmetologists:

Mrs. Faye Stewart, of Bexar County, 6-year term.

Mrs. P. A. Houston, of Henderson, Rusk County, 4-year term.

Mrs. B. L. Neal, of Wichita County, 2-year term.

To be Chief Justice of the Court of Civil Appeals for the 11th District:

W. P. Leslie, of Eastland County.

To be Associate Justice of the Court of Civil Appeals for the 11th District:

Clyde Grissom, of Haskell County.

To be Members of the State Prison Board:

Jos. Wearden, of Victoria County.

Mrs. Charlotte A. Teagle, of Harris County.

R. W. Miller, of Walker County.

To be District Judge for the 124th District Court of Gregg County:

Will C. Hurst, of Gregg County.

To be Members of the State Pharmacy Board:

E. M. Joseph, of Travis County.

Roy E. Phillips, of Bexar County.

To be Members of the State Board of Dental Examiners:

Six-year terms:

Dr. R. F. Nix, of Dawson County.

Dr. B. Carl Holder, of Corpus Christi, Nueces County.

Four-year terms:

Dr. R. T. Weber, of Travis County.

Dr. Edward Taylor, of Hunt County.

Two-year terms:

Dr. J. B. Landers, of Potter County.

Dr. J. D. Ellington, of Nacogdoches County.

To be Judge of the 57th Judicial District Court for Bexar County:

Everett F. Johnson, of Bexar County.

To be Chief Justice of the Court of Civil Appeals for the 4th Supreme Judicial District:

Judge Edward W. Smith, of Bexar County.

To be Associate Justice of the Court of Civil Appeals for the 4th Supreme Judicial District:

Robert Lee Bobbitt, of Webb County.

To be State Reclamation Engineer:

Ashley G. Classen, of El Paso County.

To be Members of the Board of Directors of the Central Colorado River Authority:

Joe B. Pouns, of Coleman County.

Dr. T. Richard Sealy, of Coleman County.

H. E. Evans, of Coleman County.

To be State Auditor and Efficiency Expert:

Orville S. Carpenter, of Dallas County.

To be Member of Board of Regents of Agricultural and Mechanical College:

Roy B. Davis, of Hale County.

To be Associate Justice of the Court of Civil Appeals at Fort Worth for the 2nd Supreme Judicial District:

Judge P. A. Martin, of Wichita County.

To be Judge of the 89th District Court:

Ernest Robertson, of Wichita County.

To be Members of the Game, Fish and Oyster Commission:

Chairman: Jess L. Showers, of Wilbarger County.

Member: Jack O'Brien, of Bexar County.

To be Members of Public Safety Commission:

Albert Sidney Johnson, of Dallas County.

Ernest Goens, of Smith County.

George W. Cottingham, of Harris County.

To be Members of the State Board of Optometry:

Dr. R. B. Hodges, of Tarrant County.

Dr. P. A. Preslar, of Childress County.

To be Member of the Civil Judicial Council:

District Judge W. C. Davis, of Brazos County.

To be Presiding Judge of the 8th Judicial Administrative District:

District Judge George L. Davenport, of Eastland County.

To be Members of the State Industrial Commission:

To represent employers of labor: C. R. Miller, of Dallas County.

To represent employees, of labor: George W. Fisher, of Tarrant County.

To represent the general public:

Everett L. Looney, of Travis County.

Mrs. Martin Wright, of Bexar County.

Dr. William States Jacobs, of Harris County.

To be District Attorney for the 52nd Judicial District:

Harold W. Allen, of Hamilton County.

To be Secretary of State:

R. B. Stanford, of McLennan County.

To be District Attorney of the 7th Judicial District:

Frank Bezoni, of Smith County.

To be Member of State Board of Water Engineers:

A. H. Dunlap, of Ward County.

To be District Judge for the 9th Special District Court of Montgomery County:

Judge W. B. Browder, of Montgomery County.

To be Judge of the 39th Judicial District:

Dennis P. Ratliff, of Haskell County.

ONEAL, Chairman.

Adopted.

BOB BARKER,  
Secretary of the Senate.

### Senate Bill No. 3.

Senator Stone asked unanimous consent that the rule requiring printed copies of bills to lie on desks for 24 hours be suspended as to S. B. No. 3.

Unanimous consent was granted.

Senator Stone moved to suspend the constitutional rule so as to take up and consider S. B. No. 3 at this time.

The motion prevailed by the required four-fifths vote:

Yeas—25.

Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Beck.	Moore.
DeBerry.	Van Zandt.
Fellbaum.	

By Senators Stone, Poage, et al.:

S. B. No. 3, A bill to be entitled "An Act to amend Chapter 3 of the Special and General Laws of the Fourth Called Session of the Forty-third Legislature and to amend Section 3 of Chapter 19, Acts of the Regular Session of the Forty-fourth Legislature to aid the Brazos River Conservation and Reclamation District, a State agency, in acquiring the necessary lands, leases, easements and/or acquittances, proper structures, and reservoirs suitable for the control of flood waters of the Brazos River watershed declared to be a public calamity, granting and donating with certain limitations to the district for a period of 20 years all of the State ad valorem taxes in the following counties, viz: Austin County, Brazoria County, Burleson County, Fort Bend County, Grimes County, Waller County, Washington County, Brazos County, Milam County, and Robertson County; said grant being contingent upon the receiving by said district of a grant and/or

loan and/or allotment from the United States of America or others on or before January 1st, 1937, of a sum reasonably sufficient to effect the purpose of this Act; authorizing the district to issue negotiable bonds, and declaring certain things incidental to said purposes, providing a penalty for the misapplication of the moneys thus donated, providing for the investment of available funds, providing for a system of accounting, providing that said tax diversion is based on 1934 valuation and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill as substituted be printed was adopted by unanimous consent.

The bill was read second time, the committee substitute adopted, and passed to engrossment by a viva voce vote.

On motion of Senator Stone, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 3 was put on its third reading and final passage by the following vote:

**Yeas—28.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

Fellbaum. Moore.

Read third time and finally passed by the following vote:

**Yeas—25.**

Beck.	Davis.
Burns.	Hill.
Collie.	Holbrook.
Cotten.	Hopkins.

Hornsby.	Regan.
Isbell.	Sanderford.
Martin.	Shivers.
Neal.	Stone.
Oneal.	Sulak.
Pace.	Van Zandt.
Poage.	Westerfeld.
Rawlings.	Woodruff.
Redditt.	

**Nays—2.**

Blackert. DeBerry.

**Absent.**

Small.

**Absent—Excused.**

Fellbaum. Moore.

**Senate Resolution No. 4**

Be it resolved, That the Secretary of the Senate be, and he is hereby directed, to pay to Tobin Florist of Austin, out of the contingent expense account of the Forty-fourth Legislature for the floral offering for the funeral of Senator Arthur P. Duggan and Mr. Charles Howard.

**REDDITT.**

Read and adopted.

**Messages from the Governor.**

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following messages:

**Executive Office,**

Austin, Texas, Sept. 18, 1935.

To the Members of the Forty-fourth Legislature (In First Called Session):

**I.**

**Old Age Pensions.**

On August 24th the people of Texas adopted by their referendum an amendment to the Constitution, authorizing the Legislature to provide for Old Age Pensions. This action followed in the wake of a Congressional Act providing for Federal participation in state pension plans. If this Legislature is to dispose of the people's business within the thirty days to which special sessions of the Legislature are limited by the Constitution, I feel this subject must be submitted to you at the very outset of the session.

Pursuant, therefore, to the people's mandate, I submit to the Legislature the problem of providing for old age pensions for actual bona fide citizens of Texas who are over the age of 65 "under such limitations and restrictions and regulations as may be deemed by the Legislature expedient."

Experience has brought to the attention of all civilized nations the necessity of providing sustenance for useful citizens who have passed the years of productive activity. A policy of humanity and social betterment prompted the Federal Government and the people of Texas to attempt provision for aged citizens.

It now becomes the duty of this Legislature to determine what sort of pension plan is best suited and most practicable under existing conditions to the State of Texas. In determining this problem it behooves the Legislature to consider not alone the immediate results, but as well the far-reaching effects which such a policy may have. It is to be remembered always that this pension plan, when begun, may be expected to long continue.

I regret exceedingly that this Legislature cannot have the benefit of wide experience in other states in setting up a pension system in Texas. There is very little accurate information or data to serve as a guide to the deliberations of this body.

At the time of calling this special session, I requested the State Auditor to prepare and distribute to each member such data as was available. In order that this information may be readily available to you, a copy of such report is hereto attached with the suggestion that same be incorporated in the Journal.

In submitting his report, the State Auditor calls attention to the fact that it is necessarily speculative and is, in the main, a group of anticipatory calculations based upon such meager accurate information as was available. The report shows, however, what has been done by Congress and in other states in establishing a policy of social security legislation.

I urge you to consider the problem carefully in connection with all of the material which has been or which may be made available to you. Bear in mind that we are thrusting the

State forward on a new program; that we are beginning a policy without the light of experience to guide us.

I shall be happy at all times to discuss with you the multitudinous problems that will present themselves in the consideration of this topic. I urge every official of the State who may be called upon to supply you information to do his utmost in affording you all available data. I am confident that this serious and far-reaching problem will receive your mature and deliberate consideration.

Because of the urgent necessity for immediate attention to this subject, I am submitting same without further elaboration at this time. Should the occasion arise, I may supplement this message with further recommendations as to old age pensions during the session.

## II.

### Revenue and Taxation.

The old age pension amendment necessarily requires the Legislature to provide means of paying the pensions provided for by such law as you may see fit to pass. For that reason, among others, I deem it my duty to submit to this Legislature the subject of revenue and taxation.

This administration inherited a tremendous deficit. The rural aid appropriation was increased two million dollars by the Regular Session of the Legislature and three million dollars was voted for the Texas Centennial. In addition, Texas must now begin the retirement of the twenty million dollar bond issue voted in 1933 for relief purposes. These added financial responsibilities, together with the existing deficit, require submission of revenue and taxation so that this Legislature may devise ways and means to provide necessary finances.

## III.

### Specific Tax Recommendations.

In submitting this subject I desire to reiterate the specific recommendations made as to the imposition of special taxes in my tax message during the Regular Session, dated February 25, 1935. I particularly urge

the immediate passage of a real graduated chain store tax, a sulphur tax, a tax on pipe lines, a selective luxury tax and the corrective measures suggested at that time with reference to various franchise taxes.

#### IV.

##### Chain Store Tax.

With particular reference to the chain store tax:

I again direct your attention to the fact that this was a plank in the State platform of the Democratic Party. In addition, I believe the local merchants in Texas are surely entitled by this time to a fair chance of sustaining themselves during this period of continued economic difficulty. They have long borne a more than substantial part of the financial burden of the State, and are entitled to have imposed upon their chain store competitors a tax that will require them to contribute their proportionate share of the cost of government.

A congressional investigation of the methods adopted by the national chain stores to freeze out competition and defeat legislation discloses the justice and necessity for the passage of chain store tax legislation. Among other things, this investigation shows that the great foreign chain stores set aside large sums of money to defeat state legislation, including the chain store tax bills introduced during the Regular Session of this Legislature. The chief lobbyist for these concerns testified that he thought it legitimate, if it became apparent that a chain store bill was going to be passed, to attempt to have it passed in an unconstitutional form so that it would be stricken down by the courts. I caution you, therefore, to proceed carefully. There is, however, no reason why a valid, real graduated chain store tax cannot be enacted.

The revenues received can constitute a just and substantial contribution to needed State revenues. In addition to this, unless something is done to equalize the unfair conditions prevailing and check the rapid growth of these great foreign chains, then our independent business men must ultimately become hirelings of monopolies controlled by holding companies from beyond the State.

#### V.

##### Sulphur Tax.

Again, I recommend particularly the passage of a substantial increase in the tax levied on sulphur. Texas sulphur deposits are the largest in the world. A majority of the sulphur mined in this State is shipped outside our borders. Evidence has been produced before committees of this Legislature to show that those who have exploited these God-given resources in Texas for years have amassed astounding and stupendous profits from a very negligible investment. This evidence, I think, also shows that the sulphur companies have not borne a reasonable share of the State tax burdens, especially as compared with the owner of non-revenue producing real estate.

With the tremendous deficit we have, the relief bonds which must be retired and the old age pensions to be voted by this Legislature, I think it only fair that this industry make a far more substantial contribution to the cost of government.

#### VI

##### Tax Delinquencies.

In keeping with a promise made to a distinguished member of the Senate, the late Senator Duggan, I ask you to consider carefully the problem of tax delinquencies. To that end, I call your attention to S. B. 114 introduced during the Regular Session by Senator Duggan and passed by the Senate. It may be that this bill as passed in the Senate should be amended, but I ask that you earnestly consider the principle involved.

There is no way of estimating the amount of delinquent taxes owed by people who are able to pay; but in this time when we are trying to meet a new and increased financial burden, those who are delinquent and able to pay should be required to meet their share of the cost of government.

#### VII.

##### Tax Collections.

I further suggest for your consideration the remedial changes advocated in the report submitted to the Regular Session of the Legislature

by the Finance Committee on taxation. Where it is possible to more fairly and effectively collect taxes already imposed by amplifying or modifying the machinery of collection, I think this Legislature should give special emphasis to the needed changes.

#### Conclusion.

These tax suggestions have been made not to confine the deliberations of this body to these specific measures alone, but are to be considered as cumulative of such other tax

measures as the individual members of the Legislature may see fit to support in seeking to solve this broad and comprehensive problem of taxation. We must be mindful of the fact that Texas has got to have a great deal of money in order to pay for its added activities.

Together we must cooperate in the realization that we are faced with the tremendous responsibility which must be met.

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

#### COST AND GENERAL PLAN FOR OLD AGE PENSIONS.

Report to the Governor and the First Called Session of the Forty-fourth Legislature.

#### Letter of Transmittal.

This report, at the direction of the Governor, is being submitted to the members of the Forty-fourth Legislature for the purpose of making available to it such information as we have been able to gather concerning old age pensions, with a view to presenting both what has been done by the United States Congress toward assisting the states in establishing old age pension plans, and, of the methods used and the results obtained by other states now having old age pension plans.

The report also contains information in the nature of estimates as to present conditions in Texas, reflecting upon the problem of establishing the old age pension system of this State. It should be borne in mind that there are very little accurate data available on the subject of old age pensions and that most of the figures shown in this report are estimates based upon such data as are available.

Respectfully submitted,

ORVILLE S. CARPENTER, State Auditor.

R. B. ANDERSON, State Tax Commissioner.

#### ESTIMATED COST.

#### General Statement.

Any statements of the probable cost of old age pensions in Texas must necessarily be estimates based on very meager data, which are not at all accurate. We have used as a starting point the population of Texas as shown by the census for the year 1930.

#### Total Number 65 and Over.

Following the method outlined by the U. S. Census Bureau of estimating future population we have arrived at the figure 6,550,476 as being the estimated population of Texas in 1935. Based upon data secured and furnished by the Actuarial Staff of the United States Senate Committee on Economic Security, and taking into consideration the increase from year to year of the percentage of persons who are aged sixty-five and over, it appears that there are in Texas, today, approximately 283,199 people of the age sixty-five and over. Assuming that the ratio between age groups as shown by the 1930 census will apply to the present population, these people will be divided according to ages as follows:

Age	Number
65-69 .....	112,255
70-75 .....	83,708
Over 75 .....	87,236
<b>Total .....</b>	<b>283,199</b>

Estimated Maximum Cost .....\$56,073,402

If Texas pays \$15.00 per month to each of those persons who are aged sixty-five and over in the State in the year 1935, then the pension requirements for this State will be \$50,975,820; and if ten per cent is added to this amount as the estimated administrative cost the total pension requirements of the State will be \$56,073,402.

#### Classifications.

Using the population and classifications as shown by the Census for 1930 we have worked out the following probable distribution by race and sex of those persons aged sixty-five and over in Texas today:

	Male	Female	Total
Native white .....	103,815	99,665	203,480
Foreign born, white .....	2,693	2,091	4,784
Negro .....	20,547	21,021	41,568
Mexican .....	17,069	16,171	33,240
Others .....	65	62	127
	<b>144,189</b>	<b>139,010</b>	<b>283,199</b>

#### Reducing Factors.

The constitutional amendment prescribes certain qualifications that applicants must possess in order to receive a pension from the State Government, even assuming eligibility by reason of age:

- (1) Every pensioner must be a bona fide citizen of Texas.
- (2) No pensioner may be a habitual criminal.
- (3) No pensioner may be a habitual drunkard.
- (4) No pensioner may be an inmate of any State supported institution.
- (5) Each pensioner must have been an actual resident of Texas for at least five years during the nine years immediately preceding application for old-age assistance and continuously for one year immediately preceding such application.

(6) The Legislature may prescribe "such limitations and restrictions as may be deemed by the Legislature expedient."

In this connection the attention of the Legislature is further directed to Section 1 of the Social Security Act, recently passed by the United States Congress, wherein the following language is employed:

"For the purpose of enabling each state to furnish financial assistance, as far as practicable under the conditions in such state, to aged, needy individuals, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$49,750,000, and there is hereby authorized to be appropriated for each fiscal year thereafter a sum sufficient to carry out the purposes of this title. The sums made available under this section shall be used for making payments to states which have submitted, and had approved by the Social Security Board established by Title VII, state plans for old-age assistance."

A study of the State laws wherein a pension system is now in effect reveals the following factors as affecting qualifications of an applicant for a pension, assuming age eligibility:

- (a) Inmate of any prison, jail, insane asylum, or correctional institution.
- (b) Desertion of spouse.
- (c) To have failed without just cause to provide support for wife and minor children.



- (d) Relatives legally liable and able to support.
- (e) Sentence for crime.
- (f) Disposed of or deprived oneself of property to qualify for pension.
- (g) Need of institutional care.
- (h) Recipient of pension from Federal, State, or foreign government.

Reference is made to a photostatic copy attached hereto and marked "Table 15."

It is obvious therefore that the number of persons who will be able to qualify for pensions in Texas is necessarily dependent upon such disqualifications, restrictions and limitations as are adopted by the Texas Legislature in addition to the requirements of the Constitutional Amendment.

#### Estimates.

There is no accurate information available reflecting the number of persons which would be affected by any of the foregoing factors should any or all of them be incorporated in legislation for this State. In estimating therefore the number of persons who may qualify for pensions in Texas out of the 283,199 age-eligibles it is necessary to indulge in generalities:

Dr. Witte, of the United States Senate Committee on Economic Security, estimates that 32-2/3% of all persons in the United States aged 65 and over are supported by children, relatives, or friends. The percentage of persons of this age in Texas, is: 92,511.

Dr. Witte estimates that only 13-1/3% of all persons of eligible age are able to qualify for assistance. This per cent of persons of eligible age in Texas, is 37,760.

Dr. Witte estimates that there are 1,000,000 people in the United States who could qualify for old age assistance. Texas' proportion of this 1,000,000 people, based on the proportion of the total population of the United States living in Texas, is 47,442.

Adjusting these averages of the experience of the four States having the widest range of experience in this field to the minimum age and residence requirements which will probably be found in the Texas law, there would possibly qualify for assistance in Texas on this basis 62,933.

A letter from Mr. Merrill G. Murray, Acting Executive Director of the Committee on Economic Security, dated September 3, 1935, states as his opinion that possibly twenty per cent of those of eligible age in Texas might be able to qualify for old-age assistance. Twenty per cent of the estimated number of age eligibles, is 56,640.

There is one definite known condition which has a direct bearing on the number of people who will probably qualify for Old Age Pensions, and that is that in December, 1934, there were 41,787 people on the relief rolls in Texas who were sixty-five years of age and over. It appears that this figure is probably an absolute minimum of the number of persons who could qualify.

#### Federal Assistance.

The Federal Government through the medium of the Social Security Act has provided a plan for assisting the various States in bearing the cost of old-age assistance. Briefly stated, the Federal Government will pay

"(1) An amount, which shall be used exclusively as old-age assistance, equal to one-half of the total of the sums expended during such quarter as old-age assistance under the State plan with respect to each individual who at the time of such expenditure is sixty-five years of age or older and is not an inmate of a public institution, not counting so much of such expenditure with respect to any individual for any month as exceeds \$30, and (2) 5 per centum of such amount, which shall be used for paying the costs of administering the State plan or for old-age assistance, or both, and for no other purpose." (Sec. 3, Social Security Act.)

Section 2 of the Social Security Act states the provisions that must be included in any State plan in order for that State to receive assistance from the Federal Government. For the sake of accuracy and clarity we are quoting Section 2, as follows:

"Section 2. (a) A state plan for old-age assistance must (1) provide that it shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them; (2) provide for financial participation by the State; (3) either provide for the establishment or designation of a single state agency to administer the plan, or provide for the establishment or designation of a single state agency to supervise the administration of the plan; (4) provide for granting to any individual, whose claim for old-age assistance is denied, an opportunity for a fair hearing before such state agency; (5) provide such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are found by the board to be necessary for the efficient operation of the plan; (6) provide that the state agency will make such reports, in such form and containing such information as the board may from time to time require, and comply with such provisions as the board may from time to time find necessary to assure the correctness and verification of such reports; and (7) provide that if the State or any of its political subdivisions collect from the estate of any recipient of old-age assistance any amount with respect to old-age assistance furnished him under the plan, one-half of the net amount so collected shall be promptly paid to the United States. Any payment so made shall be deposited in the treasury to the credit of the appropriation for the purposes of this title. (b) The board shall approve any plan which fulfills the conditions specified in subsection (a), except that it shall not approve any plan which imposes, as a condition of eligibility for old-age assistance under the plan—

(1) An age requirement of more than sixty-five years, except that the plan may impose, effective until January 1, 1940, an age requirement of as much as seventy years; or (2) Any residence requirement which excludes any resident of the State who has resided therein five years during the nine years immediately preceding the application for old-age assistance and has resided therein continuously for one year immediately preceding the application; or (3) Any citizenship requirement which excludes any citizen of the United States."

Although large plans have been put into operation by the Federal Government for cooperating with and assisting the various States in the matter of old-age pensions, in order to secure such assistance the State must first put into operation a State plan, and must create or designate the machinery or agency for the administration of such State plan, and must provide, by appropriation or otherwise, funds for carrying out the State's part of such plan.

The attention of the Legislature is directed to the fact that these provisions are apparently mandatory and define those essentials which must be a part of any State pension plan in order for the State to participate in Federal funds for old age pensions. If, therefore, this Legislature does contemplate such participation by the State of Texas it follows that the provisions set out in Section 2 of the Social Security Act should be closely adhered to.

The attention of the Legislature is further directed to the following language in Section 1:

"The sums made available under this section, shall be used for making payments to States which have submitted and had approved by the Social Security Board, established by Title VII (hereinafter referred to as the "Board"), State plans for old-age assistance.

In explaining items 5 and 6 of Section 2 of the Social Security Act, Mr. Harrison, reporting for the Committee on Finance of the United States Senate said:

"The methods of administration of the State plan, insofar as they are found by the Social Security Board to be essential to the plan's efficient

operation, must be approved by the Board, and reports must be made to the Board; but the State will not be impeded in the exercise of its full discretion in the matters of the selection, the tenure of office, and the compensation of State and local personnel."

In connection with the possible assistance that might be received by this State from the United States Government attention is directed to the fact that by Section 1 of the Social Security Act there was appropriated the sum of \$49,750,000:

"For the purpose of enabling each State to furnish financial assistance, as far as practicable under the conditions in such State to aged, needy individuals, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$49,750,000, and there is hereby authorized to be appropriated for each fiscal year thereafter a sum sufficient to carry out the purposes of this title. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Social Security Board, established by Title VII (hereinafter referred to as the "Board"), State plans for old-age assistance."

We have no way of knowing at this time what part of this amount might become available to the State of Texas as there is no indication in the Act of the basis of apportionment of this sum between the States.

#### RESULTS IN OTHER STATES.

##### General Statement.

There is attached hereto a table showing the results of operations of Old Age Pension Acts in various States during the year 1934. This table has been compiled by the United States Bureau of Labor Statistics and the Committee on Economic Security and is found on page 5 of the report of the Senate Committee on Finance dated May 13, and being report No. 628. This table shows for each of the States thereon the number of persons of eligible age in the State, number of pensioners and the amount paid them, the maximum monthly pension payable in the State, and the average amount paid monthly to each person during the year 1934.

The following is a running summary of the results of operations of certain State laws for the year 1934. Reference is made to Table II which is attached hereto and shows further details of the operation of State plans.

##### Arizona.

Number persons of eligible age .....	9118
Number persons receiving assistance December 1934.....	1820
Per cent of total age eligibles receiving assistance.....	19.9%
Average amount paid per person per month .....	\$ 19.56

##### Features of Law:

Age requirement	70 years
Residence requirement	35 years in State

##### Disqualifications:

\$300 annual income.  
Inmates of jails, asylums and correctional institutions.  
Disposed of property in order to qualify.

##### California.

Number of persons of eligible age.....	210,379
Number of persons receiving assistance December 1934.....	19,619
Per cent of total age eligibles receiving assistance.....	9.3%
Average amount paid per person per month.....	\$ 20.25

## Features of Law:

Age requirement 70 years  
 Residence requirement 15 years citizenship:  
 15 years residence in State: 1 year in County.  
 Disqualifications:  
 \$3,000 property value and \$365 annual income.  
 Inmates of jails, asylums and correctional institutions.  
 Disposed of property in order to qualify.  
 Inmate of benevolent, charitable, or fraternal institution.  
 Relatives able and responsible for support.

## Colorado.

Number persons of eligible age .....	61,787
Number persons receiving assistance December 1934.....	10,008
Per cent of total age eligibles receiving assistance.....	16.2%
Average amount paid per person per month.....	\$ 8.69

## Features of Law:

Age requirement 65 years  
 Residence requirement 15 years State and 5 County  
 Disqualifications:  
 Inmates of jails, asylums and correctional institutions.  
 Desertion of spouse.  
 Failure to provide support for wife and minor children.  
 Relatives legally liable and able to support.  
 Disposed of property in order to qualify.  
 Inmate of benevolent, charitable, or fraternal institution.

## Delaware.

Number persons of eligible age .....	16,674
Number persons receiving assistance December 1934.....	1,583
Per cent of total age eligibles receiving assistance .....	9.5%
Average amount paid per person per month .....	\$ 9.91

## Features of Law:

Age requirement 65 years  
 Residence requirement . 5 years in State  
 Disqualifications:  
 \$300 annual income.  
 Inmates of jails, asylums and correctional institutions.  
 Relatives legally liable and able to support.  
 Disposed of property in order to qualify.  
 Habitual tramp, vagrant, or beggar.  
 Inmate of benevolent, charitable, or fraternal institution.

## Indiana.

Number of persons of eligible age .....	138,426
Number persons receiving assistance December 1934.....	23,533
Per cent of total age eligibles receiving assistance.....	17.0%
Average amount paid per person per month.....	\$ 4.50

## Features of Law:

Age requirement 70 years  
 Residence requirement 15 years citizenship; 15 years in State; 15 years in County.  
 Disqualifications:  
 \$1,000 property value; \$180 annual income.  
 Inmates of jails, asylums and correctional institutions.  
 Desertion of spouse.  
 Failure to provide support for wife and minor children.

Relatives legally liable and able to support.  
 Sentence for crime.  
 Disposed of property in order to qualify.  
 Habitual tramp, beggar, or vagrant  
 Inmate of benevolent, charitable, or fraternal institution.

## Massachusetts.

Number persons of eligible age.....	156,590
Number persons receiving assistance March 1934.....	21,473
Per cent of total age eligibles receiving assistance.....	13.7%
Average amount paid per person per month.....	\$ 21.84

## Features of Law:

Age requirement 70 years  
 Residence requirement 15 years citizenship; 20 years State.

## Disqualifications:

Relatives legally liable and able to support.  
 Must be deserving citizens.

## Minnesota.

Number persons of eligible age.....	94,401
Number persons receiving assistance December 1934.....	4,334
Per cent of total age eligibles receiving assistance.....	4.6%
Average amount paid per person per month.....	\$ 10.77

## Features of Law:

Age requirement 70 years  
 Residence requirement 15 years citizenship; 15 years in State; 15 years in County.

## Disqualifications:

\$3,000 property value; \$365 annual income.  
 Inmates of jails, asylums and correctional institutions.  
 Failure to provide support for wife and minor children.  
 Relatives legally liable and able to support.  
 Sentenced for crime.  
 Disposed of property in order to qualify.  
 Habitual tramp, vagrant, or beggar.  
 Inmate of benevolent, fraternal or charitable institution.

## Montana.

Number persons of eligible age.....	14,377
Number persons receiving assistance December 1934.....	2,780
Per cent of total age eligibles receiving assistance.....	19.3%
Average amount paid per person per month.....	\$ 5.32

## Features of Law:

Age requirement 70 years  
 Residence requirement 15 years citizenship; 15 years State.

## Disqualifications:

\$300 annual income.  
 Desertion of spouse.  
 Failure to support wife and minor children.  
 Relatives legally liable and able to support.  
 Sentenced for crime.  
 Disposed of property in order to qualify.  
 Habitual tramp, vagrant, or beggar.

## New Jersey.

Number persons of eligible age.....	112,594
Number persons receiving assistance December 1934.....	11,401
Per cent of total age eligibles receiving assistance.....	10.1%
Average amount paid per person per month.....	\$ 12.96

## Features of Law:

Age requirement 70 years  
 Residence requirement 15 years State, 1 County.  
 Disqualifications:  
 \$3,000 property value.  
 Must be unable to maintain self.  
 Relatives legally liable and able to support.  
 Sentenced for crime.  
 Disposed of property in order to qualify.  
 In need of institutional care.

## New York.

Number persons of eligible age .....	373,878
Number persons receiving assistance December 1934 .....	51,834
Per cent of total age eligibles receiving assistance .....	13.9%
Average amount paid per person per month .....	\$ 20.36

## Features of Law:

Age requirement 70 years.  
 Residence requirement 10 years State; 1 County.  
 Disqualifications:  
 Must be unable to support self.  
 Inmate of jails, asylums and correctional institutions.  
 Relatives legally liable and able to support.  
 Disposed of property in order to qualify.  
 In need of institutional care.

## Ohio.

Number persons of eligible age .....	414,836
Number persons receiving assistance December 1934 .....	36,543
Per cent of total age eligibles receiving assistance .....	8.8%
Average amount paid per person per month .....	\$ 24.45

## Features of Law:

Age requirement 65 years  
 Residence requirement 15 years citizenship; 15 State; 1 County.  
 Disqualifications:  
 \$3,000 property value; \$300 annual income.  
 Inmate of jail, asylum and correctional institution.  
 Desertion of spouse.  
 Failure to support wife and minor children.  
 Relatives legally liable and able to support.  
 Disposed of property in order to qualify.

## Oregon.

Number persons of eligible age .....	39,133
Number persons receiving assistance December 1934 .....	6,525
Per cent of total age eligibles receiving assistance .....	16.6%
Average amount paid per person per month .....	\$ 10.64

## Feature of Law:

Age requirement 70 years.  
 Residence requirement 15 years citizenship; 15 years State; 2 years County.  
 Disqualifications:  
 \$3000 property value; \$300 annual income.  
 Inmate of jail, asylum and correctional institution.  
 Desertion of spouse.  
 Failure to provide support for wife and minor children.  
 Relatives legally liable and able to support.  
 Disposed of property in order to qualify.  
 Habitual tramp, vagrant, or beggar.  
 Convicted of crime, involving moral turpitude.

## Pennsylvania.

Number persons of eligible age .....	289,705
Number persons receiving assistance December 1934 .....	18,261
Per cent of total age eligibles receiving assistance .....	6.3 %
Average amount paid per person per month .....	\$ 21.18

## Features of Law:

Age requirement 70 years.

Residence requirement 15 years citizenship; 15 years State.

## Disqualifications:

Must be indigent.

Inmates of jails, asylums and correctional institutions.

Desertion of spouse.

Failure to provide support for wife and minor children.

Relatives legally liable and able to support.

Habitual tramp, vagrant, or beggar.

Note: Reference may be made to the tables attached hereto for further details of operations in the States and for full details on other States not shown here.

Table II—Operation Under State Old-Age Pension Acts During 1934.

State	Per Cent of Pensioners			Monthly Pension		
	Number of Eligible Age	End of 1934	to of Eligible Age	Amount Disbursed	Maximum Payable	Av. Paid
Arizona*	9,118	1,820	19.9	427,527	30.00	19.56
California	219,379	19,619	9.3	4,288,508	30.00	20.25
Colorado*	61,787	10,008	16.2	1,043,120	30.00	8.69
Delaware	16,678	1,583	9.5	193,231	25.00	9.91
Idaho	22,310	1,712	7.6	138,443	25.00	† 8.85
Indiana	138,426	23,533	17.0	1,134,250	15.00	4.50
Iowa	184,239	4,589	2.5	121,636	25.00	13.25
Kentucky	84,252	—	—	—	20.83	—
Maine	69,010	—	—	—	30.00	—
Maryland	92,972	267	.3	65,228	30.00	24.43
Massachusetts	156,590	‡ 21,473	13.7	‡ 5,628,492	(**)	‡ 21.84
Michigan	148,853	3,557	2.4	103,180	30.00	9.99
Minnesota*	94,401	4,334	4.6	560,254	30.00	10.77
Montana	14,377	2,780	19.3	177,426	25.00	5.32
Nebraska*	86,194	694	.8	8,762	20.00	10.52
Nevada*	4,814	7	—	1,552	30.00	18.48
New Hampshire	25,714	§ 1,423	5.5	298,722	32.50	19.06
New Jersey	112,594	11,401	10.1	1,773,319	30.00	12.96
New York	373,878	51,834	13.9	12,651,098	(**)	20.36
North Dakota	30,280	3,914	12.9	24,259	12.50	.69
Ohio	414,836	36,543	8.8	1,434,416	25.00	14.45
Oregon*	39,133	6,525	16.6	639,296	30.00	10.64
Pennsylvania*	289,705	18,261	6.3	386,717	30.00	21.18
Utah*	22,665	902	3.0	86,415	25.00	7.97
Washington*	101,503	1,378	1.4	99,136	30.00	5.95
West Virginia	73,043	—	—	—	30.00	—
Wisconsin	112,112	† 1,969	1.8	† 395,707	30.00	† 18.75
Wyoming*	8,707	706	8.1	81,818	30.00	9.66
Totals	2,998,570	230,832	7.7	31,620,509	—	15.50

\*Figures for 1934 are preliminary only.

†Data are for 1933.

‡Year ending March 31, 1934.

\*\*No limit.

§Data are for Dec. 1, 1934.

||Data are for September 1934.

TABLE 15—PRINCIPAL

State	Date enacted	Date amended	In effect	Nature of law	Administration		Degree of State supervision
					State	Local	
Alaska	1915	{1917, 1919, 1925, 1929}	1915	Mandatory	Alaska Pioneers Home	No local administration	Territory administration
Arizona	1933		1933	do.	State auditor	County old-age pension commission	Duplicate certificate to auditor; annual report.
California	1929	1931, 1933	1929	do.	Department of social welfare, Division of State aid for the aged.	County board of supervisors, local department of public welfare.	Complete supervision; reports.
Colorado	1927	1931, 1933	1927	do.	Right of appeal to district court and supreme court.	County court; board of county commissioners, trustees.	Annual report to Secretary of State.
Delaware	1931	1933	1931	do.	State old-age welfare commission.		State administration
Hawaii	1933	1933	1934	Optional	Territorial auditor	Old-age pension commission	Annual report to auditor.
Idaho	1931		1931	Mandatory	Department of public welfare	do.	Annual report only.
Indiana	1933		1934	do.	State auditor	Board of county commissioners.	Annual report; duplicate to auditor.
Iowa	1934		1934	do.	Old-age assistance commission	Old-age assistance boards	Complete supervision
Kentucky	1926		1926	Optional	None	County commissioners	None
Maine	1933		( <sup>5</sup> )	Mandatory	Department of health and welfare.	Old-age pension boards	Complete supervision
Maryland	1927	1931	1927	Optional	None	County commissioners	Annual report to Governor
Massachusetts	1930	1932, 1933	1931	Mandatory	State department of public welfare.	Bureau of old-age assistance	Complete supervision
Michigan	1933		1933	do.	State welfare department, old-age pension bureau.	Old-age pension board	do.
Minnesota	1929	1931, 1933	1929	Optional	None	Board of county commissioners.	None
Montana	1923		1923	do.	None	Old-age pension commission	Annual report to State
Nebraska	1933		1933	Mandatory	Auditor of public accounts	do.	do.
Nevada	1925		1925	Optional	None	Board of county commissioners.	Annual report to Governor
New Hampshire	1931		1931	Mandatory	None	County commissioners	None
New Jersey	1931	1932, 1933	1932	do.	Department of institutions and agencies, division of old-age relief.	County welfare board	Complete supervision
New York	1930	1934	1930	do.	State department of social welfare.	Public welfare district official	do.
North Dakota	1933		1933	do.	Secretary of agriculture and labor.	Board of county commissioners.	do.
Ohio	1933		1934	do.	Department of public welfare, division of aid for the aged.	Board of aid for the aged	do.
Oregon	1933		1934	do.	State board of control	Old-age pension commission	Annual report to State of control.
Pennsylvania	1934		1934	do.	Department of welfare	Board of trustees of old-age assistance fund.	Complete supervision
Utah	1929		1929	do.	None	Board of county commissioners.	None
Washington	1933		1933	do.	None	Board of county commissioners.	None
West Virginia	1931		1931	Optional	None	County court	Annual audit by tax commissioner.
Wisconsin	1925	1929, 1931, 1933	1925	( <sup>6</sup> )	State board of control	County judge	Annual report
Wyoming	1929	1931	1929	Mandatory	None	Old-age pension commission	Annual report to State

<sup>1</sup>Since 1906.<sup>2</sup>Annual income of any property to be computed at 3 percent of its value.<sup>3</sup>Annual income of any property to be computed at 5 percent of its value.<sup>4</sup>Required residence in United States 15 years.<sup>5</sup>When Governor can raise funds.<sup>6</sup>House in which applicant lives not to be considered property.<sup>7</sup>Earnings and gifts up to \$100 exempt.<sup>8</sup>Unable to maintain self.<sup>9</sup>Mandatory from July 1, 1935, on.

## Disqualifications:

a. Inmate of any prison, jail, insane asylum,

b. Desertion of spouse.

c. To have failed without just cause to provide for dependents.

d. Relatives legally liable and able to support.

e. Sentence for crime.

f. Disposed of or deprived oneself of property.

g. Need of institutional care.

h. Recipient of pension from Federal, State, or



PENSION LAWS OF THE UNITED STATES

Fund provided by--	Qualifications for recipients						Disqualifica- tions (see explanatory footnotes)	Other pro- visions (see explanatory footnotes)	Maxi- amou pens
	Age	Citizenship	Residence		Property limit	Annual income limit			
			State (years)	County (years)					
Territory-----	M 65	Required-----	(1)	None-----	{Insufficient means of support. (2)		{d, n----- a, f-----	B----- B, C-----	{M \$35 a W \$45 a \$30 a m-----
State and county-----	W 60								
do-----	70	do-----	35	Required-----		\$300			
do-----	70	15 years-----	15	1-----	\$ 3,000	365	a, f, n, o-----	A-----	\$1 a day-----
State estate and liquor tax; local liquor tax.	65	do-----	15	5-----	\$ 2,000	365	a, b, c, d, f, n-----	A, B, C-----	do-----
State current revenues-----	65	Not re- quired.4	5	None-----		300	a, d, f, i, n-----	C-----	\$25 a m-----
Counties and cities-----	65	30 years-----	15	-----	(3)	300	e, i, f-----	A, B, C-----	\$15 a m-----
County-----	65	15 years-----	10	3-----	(3)	300	a, b, c, d, e, f, i, m-----	A, B, C, D-----	\$25 a m-----
State and county-----	70	do-----	15	15-----	\$ 1,000	180	a, b, c, d, e, f, i, n-----	A, B, C-----	\$15 a m-----
State poll tax-----	65	do-----	10	2-----	(3)	365	a, b, c, d, f, i, j,-----	A, B, C, D-----	\$25 a m-----
County-----	70	do-----	10	10-----	2,500	400	a, d, f, h, i, j, n-----	B-----	\$250 a y-----
No provisions as yet-----	65	Required-----	15	1-----	300	365	a, b, c, e, f, i, k-----	A, B, C-----	\$1 a day-----
County-----	65	15 years-----	10	10-----		365	a, c, d, e, f, i, n-----	C-----	do-----
State poll tax; liquor tax-----	70	Required-----	20	None-----	None spec fied-----		d, "deserving citizens."-----	-----	Adequa sistan-----
State poll tax-----	70	15 years-----	10	None-----	\$ 3,500	365	a, b, c, d, f, i-----	A, B, C, D-----	\$30 a m-----
County, city, town, village-----	70	do-----	15	15-----	\$ 3,000	365	a, c, d, e, f, i, n-----	A, B, C-----	\$1 a day-----
County poor fund-----	70	do-----	15	None-----	(3)	300	b, c, d, e, f, i-----	A, B, C-----	\$25 a m-----
County poll tax-----	65	do-----	15	None-----	(3)	300	b, c, d, e, f, i-----	A, B, C-----	\$20 a m-----
County-----	65	do-----	10	None-----	\$ 3,000	390	a, b, c, d, e, f, i-----	A, B, C, D-----	\$1 a day-----
do-----	70	do-----	15	15-----	2,000	360	a, c, d, e, f, i, n-----	A, E, C-----	\$7.50 a-----
State inheritance tax and county fund.	70	Required-----	15	1-----	3,000	(8)	d, e, f, g-----	A, C-----	\$1 a day-----
State, county, city-----	70	do-----	10	1-----	Unable to support self.		a, d, f, g-----	-----	Determi offici-----
State special tax-----	68	do-----	20	None-----	(3)	150	a, f, i, m, n, p-----	A, B-----	\$150 a y-----
State-----	65	15 years-----	15	1-----	{ \$ 3,000; couple } \$ 4,000	300	a, b, c, c, f-----	A, B, C, D-----	\$25 a m-----
State liquor tax; county gen- eral fund.	70	do-----	15	2-----	\$ 3,000	360	a, b, c, d, f, i, l-----	A, B, C, D-----	\$30 a m-----
State-----	70	do-----	15	None-----	Indigent-----		a, b, c, d, i-----	C-----	do-----
County-----	65	do-----	15	5-----	(3)	300	a, b, c, d, e, f, i-----	A, B, C-----	\$25 a m-----
do-----	65	do-----	15	5-----	(3)	360	a, b, c, d, e, f-----	A, B, C-----	\$30 a m-----
do-----	65	do-----	10	10-----	No property or in- come.		a, d, e, f, g, h, i, n-----	B-----	\$1 a day-----
State, county, local-----	70	do-----	15	15-----	\$ 3,000	365	a, c, d, e, f, i, n-----	A, B, C-----	do-----
County poor fund-----	65	do-----	15	5-----	(2)	360	b, c, d, e, f, i-----	A, B, C-----	\$30 a m-----

i. Habitual tramp, vagrant, or beggar.  
j. Unable to earn at least \$1 per day.  
k. Spouse and children able to furnish support.  
l. Convicted of crime involving moral turpitude.  
m. To have failed to work according to ability.  
n. Inmate of benevolent, charitable, or fraternal institution.  
o. Husband, wife, parent, or child able and responsible for support.  
p. Children liable and able to support.

Other provisions:  
A. Transfer of applicant's property to pension author-  
pension is granted.  
B. Amount of payments to be collected from estate of  
survivor of a married couple.  
C. Allowances for funeral expenses.  
D. Payments may be made to charitable or benevolent  
inmate.

## Message From the Governor.

Executive Office,

Austin, Texas, Sept. 18, 1935.

To the Members of the Forty-fourth Legislature, In First Called Session:

I hereby submit to you for immediate consideration a number of corrective measures dealing with local subjects and local institutions so as to validate the various acts of boards of regents and other public officials of the institutions and municipalities set out. These largely are submitted for the purpose of meeting objections of various Federal agencies where loans have been tentatively approved subject to these corrective local measures. They are specifically as follows, to-wit:

## 1.

A bill to amend Article 704, Revised Civil Statutes of Texas of 1925, so as to provide that the election order shall designate the time and place of holding the election; that such election shall be held not less than 15 or not more than 30 days from the date of such order and that notice shall be given by posting a copy of the election order in each election precinct not less than 14 days before the election and in addition shall be published on the same day in each of two successive weeks in a newspaper of general circulation published within said county or city, the date of the first publication to be not less than 14 days before the date set for the election; and to provide that this act shall control over any provisions in any city charter to the contrary.

## 2.

A bill providing that all bonds, notes or warrants heretofore issued or which have been authorized but not yet issued or which may be hereafter issued under the provisions of Articles 1111 to 1118, inclusive, Revised Civil Statutes of Texas for 1925, including all amendments thereto, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works shall be negotiable instruments.

## 3.

A bill amending Section 2 of Chapter 109, Acts of the First Called Session of the Forty-third Legislature by providing that warrants issued under subdivision (b) thereof shall be negotiable and that the same may be sold for not less than par value to the United States of America acting through the Federal Emergency Administrator of Public Works or other Federal agency, and further providing that all warrants heretofore issued under Sub-division (b), shall be negotiable instruments; and amending Section 4 of said act so as to provide that powers conferred by this Act shall not be exercised after June 30, 1937.

## 4.

A bill validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by water control and improvement district, water improvement district, irrigation district, conservation and reclamation district, navigation district, road district, school district, county, city or incorporated town of this state for public works projects.

## 5.

A bill validating and approving all proceedings had by cities and towns in the issuance and sale of revenue obligations under the provisions of Articles 1111 to 1118, Revised Civil Statutes of 1925, as amended, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administrator of Public Works, or any other governmental agency, declaring that such bonds, notes or warrants shall be valid and binding special obligations of such cities or towns, and validating the pledge of revenues to the payment of said bonds.

## 6.

A bill validating and approving all acts of the governing bodies of cities and towns of the State of Texas in the issuance and sale of bonds, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Ad-

ministration of Public Works or other agency of the United States Government; validating such bonds and the tax levies made for the payment of such bonds.

## 7.

A bill validating all school districts heretofore established, validating all elections and the levy of taxes by school districts, validating all proceeding had in the issuance of bonds and the levying of taxes therefor, validating bonds heretofore authorized or voted but not yet issued when such bonds are to be used in financing any undertaking for which a loan or grant has been made through the Federal Emergency Administrator of Public Works, providing that this act shall not apply to districts which may have been established or consolidated and later returned to its original status, providing that this act shall not apply to any district the organization or creation or tax levy of which is now involved in litigation.

## 8.

A bill validating, ratifying, approving and confirming the acts of the Board of Regents of the University, Board of Directors of A. and M. college, Board of Directors of the College of Arts and Industries, the Board of Directors of the College of Industrial Arts, and the Board of Regents of the State Teachers Colleges in the issuance of revenue bonds and warrants for the construction of dormitories and other permanent improvements.

I also submit to you the matter of erecting the "Texas Supreme Court Memorial Building." It is a matter of common knowledge that the efficiency of our Supreme Court, Court of Criminal Appeals and Attorney General's Department is shamefully impaired because of crowded quarters and poor conditions under which they must work in the present State Capitol building.

There is no estimating the financial cost to the State of present conditions under which they must operate, particularly the Attorney General's department. Even a casual visit to this department will disclose that these legal representatives of

the people, who must cope with the best legal talent in the State, are quartered in match box, thinly partitioned offices, with no room for private conferences or study.

An incomplete survey shows almost a dozen State departments and institutions now housed in down town office buildings for lack of quarters in the Capitol building. The taxpayers are paying the rent which should be applied on the erection of a suitable office building for the courts and Attorney General's department. If this is done, in my judgment, these various State agencies now housed in down town office buildings, and paying rent, can be returned to the State Capitol where they belong.

It is my understanding that at the present time with an outlay of not more than \$200,000.00 in cash and the building site on the southwest corner of 11th and Congress, across from the Capitol, we can secure Federal aid for the erection of a beautiful modern State Courts building which will be a monument not only to the courts but to the Legislature authorizing same. Incidentally, this will carry on a part of the building program of progress and provide much needed employment for many worthy citizens.

A bill appropriating \$200,000.00 for this purpose, and conditioned upon the securing of this aid from any Federal Government agency, will be offered. This bill is hereby submitted to you for consideration.

The subject submitted is strictly confined to the matter set out in the bills enumerated above.

Respectfully submitted,  
JAMES V. ALLRED,  
Governor of Texas.

#### Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Sept. 18, 1935.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the

differences between the two Houses on Senate Bill No. 2. The following are conferees on the part of the House:

Messrs. Leonard, Aiken, Good, Graves, and Wood of Montague.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### **Bills and Resolutions.**

##### **Senate Bill No. 4.**

By Senators Burns and Westerfeld.

S. B. No. 4, A bill to be entitled, "An Act relating to and providing for Old-Age Assistance defining the powers and Duties of Certain officers in connection therewith, prescribed penalties, appropriating funds for such assistance, providing that if any part of this Act be held invalid the remainder shall be held valid and declaring an emergency."

Read and referred to the Committee on Finance.

#### **Advance Printing.**

Senator Martin received unanimous consent to have advanced printing on S. B. No. 4.

##### **Senate Bill No. 5.**

By Senator Rawlings:

S. B. No. 5, A bill to be entitled, "An Act to amend Article 704, Revised Civil Statutes of Texas of 1925, so as to provide that the election order shall designate the time and place of holding the election; that such election shall be held not less than 15 or not more than 30 days from the date of such order and that notice shall be given by posting a copy of the election order in each election precinct not less than 14 days before the election and in addition shall be published on the same day in each of two successive weeks in a newspaper of general circulation published within said county or city, the date of the first publication to be not less than 14 days before the date set for the election; and to provide that this act shall control over any provisions in any city charter to the contrary and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

##### **Senate Bill No. 6.**

By Senator Rawlings:

S. B. No. 6, A bill to be entitled, "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas in the issuance and sale of bonds, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works or other agency of the United States Government; validating such bonds and the tax levies made for the payment of such bonds and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

##### **Senate Bill No. 7.**

By Senator Rawlings:

S. B. No. 7, A bill to be entitled, "An Act validating and approving all proceedings had by cities and towns in the issuance and sale of revenue obligations under the provisions of Articles 1111 to 1118, Revised Civil Statutes of 1925, as amended, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administrator of Public Works, or any other governmental agency, declaring that such bonds, notes or warrants shall be valid and binding special obligations of such cities or towns, and validating the pledge of revenues to the payment of said bonds, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

##### **Senate Bill No. 8.**

By Senator Rawlings:

S. B. No. 8, A bill to be entitled, "An Act validating all school districts heretofore established, validating all elections and the levy of taxes by school districts, validating all proceedings had in the issuance of bonds and the levying of taxes therefor, validating bonds heretofore authorized or voted but not yet issued when such bonds are to be used in financing any undertaking for which a loan or grant has been made through the Federal Emergency Administrator of Public Works, providing that this Act shall not apply to districts which may have

been established or consolidated and later returned to its original status, providing that this Act shall not apply to any district the organization or creation or tax levy of which is now involved in litigation, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

#### Senate Bill No. 9.

By Senators Hornsby and Rawlings:

S. B. No. 9, A bill to be entitled, "An Act validating, legalizing and approving severally all the acts of the Board of Regents of the University of Texas, the Board of Directors of the Agricultural and Mechanical College, the Board of Directors of the Texas Technological College, the Board of Regents of the State Teachers College, the Board of Regents of the College of Industrial Arts, and the Board of Directors of the College of Arts and Industries, in the authorization and issuance of bonds, notes or warrants heretofore issued or that have heretofore been authorized but not yet issued, validating and approving the pledge of revenues to the payment of said bonds and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

#### Senate Bill No. 10.

By Senator Rawlings:

S. B. No. 10, A bill to be entitled, "An Act amending Section 2 of Chapter 109, Acts of the First Called Session of the Forty-third legislature by providing that warrants issued under subdivision (b) thereof shall be negotiable and that the same may be sold for not less than par value to the United States of America acting through the Federal Emergency Administrator of Public Works or other Federal agency, and further providing that all warrants heretofore issued under subdivision (b), shall be negotiable instruments; and amending Section 4 of said Act so as to provide that powers conferred by this Act shall not be exercised after June 30, 1937 and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

#### Senate Bill No. 11.

By Senator Rawlings:

S. B. No. 11, A bill to be entitled, "An Act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by water control and improvement district, water improvement district, irrigation district, conservation and reclamation district, navigation district, road district, school district, county, city or incorporated town of this State for public works projects, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

#### Senate Bill No. 12.

By Senator Rawlings:

S. B. No. 12, A bill to be entitled, "An Act providing that all bonds, notes or warrants heretofore issued or which have been authorized but not yet issued or which may be hereafter issued under the provisions of Articles 1111 to 1118, inclusive, Revised Civil Statutes of Texas for 1925, including all amendments thereto, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works shall be negotiable instruments, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

#### Senate Bill No. 13.

By Senator Hornsby:

S. B. No. 13, A bill to be entitled "An Act making an appropriation out of the General Revenue Fund in the sum of two hundred thousand dollars (\$200,000.00), to be used in the building of a Texas Supreme Court Memorial Building at Austin, Texas, on the tract of land heretofore appropriated by the Legislature for such purpose, said tract being located on the corner of Congress Avenue and Eleventh Street, in the City of Austin, Texas; said sum to be added to whatever money is allocated, apportioned, or designated by any Federal governmental agency, but to be void unless such money is allocated, apportioned, or designated by any Federal governmental agency, and declaring an emergency."

Read and referred to the Committee on Finance.

**At Ease.**

Senator DeBerry, at 11:00 o'clock a. m., moved that the Senate stand at ease subject to the call of the Chair.

The motion prevailed.

**Senate Called to Order.**

At 11:05 o'clock a. m. the Senate was called to order.

**Senate Bill No. 14.**

By Senator DeBerry:

S. B. No. 14, A bill to be entitled "An Act relating to the compensation of district, and certain designated county and precinct officers and providing the method and means by which such officers shall be compensated for their services; providing for the appointment and payment of deputies and clerks in district, county and precinct offices; limiting the payment of fees and commissions by the State in certain instances; requiring the keeping of books and records by such officers and the making of reports to designated authorities; providing for the creation of an 'Officers Salary Fund' in certain counties and providing for the contribution to such fund by the State and county; prescribing rules and regulations for the depositing, keeping and disbursing of said fund and the purposes for which same may be disbursed; providing for the disposition of fees and commissions collected by officers; making an appropriation; providing that this Act shall become effective on and after January 1st, 1936; repealing all laws or parts of laws, special or general, inconsistent with the provisions of this Act, and declaring the policy of the Legislature thereto; declaring the Act to be severable; and declaring an emergency."

Read and referred to the Committee on State Affairs.

**Advanced Printing.**

Senator DeBerry received unanimous consent to have advanced printing on S. B. No. 14.

**Adjournment.**

Senator Pace at 11:10 o'clock moved that the Senate stand adjourned until 10:00 o'clock a. m. Thursday.

The motion prevailed.

**APPENDIX.****Petitions and Memorials.**

ERNEST FELLBAUM

District No. 26

San Antonio, Texas

September 17, 1935.

Hon. Bob Barker, Secretary of the Senate, Austin, Texas.

Dear Bob: Please extend to the Senate of Texas my sincere regrets in being absent at the beginning of this special session. I had hoped and planned on being with you and although I am much improved it appears best that I wait a week or so before coming to Austin.

I have deeply appreciated all the many favors extended me by the Senate and your loyal self.

Sincerely yours,

ERNEST FELLBAUM.

**Committee on Engrossed Bills.**

Committee Room,

Austin, Texas, Sept. 17, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 1 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

**Committee Reports.**

Committee Room,

Austin, Texas, Sept. 18, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 3, A bill to be entitled "An Act to amend Chapter 3 of the Special and General Laws of the Fourth Called Session of the Forty-third Legislature and to amend Section 3 of Chapter 19, Acts of the Regular Session of the Forty-fourth Legislature to aid the Brazos River Conservation and Reclamation District, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute attached hereto do pass in lieu thereof and that the substitute be printed.

REGAN, Chairman.

**FOURTH DAY.**

Senate Chamber,  
Austin, Texas,  
September 19, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

Fellbaum. Moore.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.****Senate Bill No. 15.**

By Senator Hopkins:

S. B. No. 15, A bill to be entitled "An Act amending Subdivision 18 of Article 1302, Revised Civil Statutes of Texas of 1925; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

**Senate Bill No. 16.**

By Senators Small, Burns, Redditt, Martin, Woodruff, Pace, Hill, Sanderford, Isbell, DeBerry and Oneal:

S. B. No. 16, A bill to be entitled "An Act defining and prohibiting the open saloon and providing penalties for the violation thereof and declaring an emergency."

Read and referred to the Committee on State Affairs.

**Senate Bill No. 17.**

By Senators Holbrook and Woodruff:

S. B. No. 17, A bill to be entitled "An Act repealing Article 7319, Acts 1927, Fortieth Legislature, page 25, Chapter 20, Section 1, as amended by Acts 1927, Fortieth Legislature, First Called Session, page 195, Chapter 69, Section 1, Acts of 1927, Fortieth Legislature, First Called Session, page 195, Chapter 70, Section 1, and Acts of 1933, Forty-third Legislature, First Called Session, page 271, Chapter 98, amending Article 7320, Revised Civil Statutes 1925, Chapter 10, providing a lien for taxes which have become delinquent since December 31, 1919, and forever barring taxes returned delinquent prior to that date; amending Article 7321, Revised Civil Statutes 1925, Chapter 10, providing for the compilation of delinquent tax records and for the payment of the cost thereof; amending Article 7323, Revised Civil Statutes 1925, Chapter 10; amending Article 7324, Revised Civil Statutes 1925, as amended Acts 1931, Forty-second Legislature, page 196, Chapter 117, Section 1, and declaring an emergency."

Read and referred to the Committee on State Affairs.

**Senate Bill No. 13.**

Senator Redditt received unanimous consent to suspend the regular order of business and take up S. B. No. 13.

The rule requiring bills to be printed and copies lie on the desks for 24 hours was suspended by the required two-thirds vote.

By Senator Hornsby:

S. B. No. 13, A bill to be entitled "An Act making an appropriation out of the General Revenue Fund in the sum of Two Hundred Thousand Dollars (\$200,000.00), to be used in the building of a Texas Supreme Court Memorial Building at Austin, Texas, on the tract of land heretofore appropriated by the Legislature for such purpose, said tract being located on the corner of Congress Avenue and Eleventh Street, in the City of Austin, Texas; said sum to